IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL

Writ Petition No. 4600 (SS) of 2001

Ishwar Singh,
S/o late Padam Singh,
R/o Village and Post – Bamrari,
District – Bageshwar. **…….Petitioner.**

Versus

1. State of Uttaranchal through Secretary Public Works Department, Government of Uttaranchal at Dehradun.
2. Chief Engineer (Hills) Public Works Department, Almora.
3. Superintending Engineer, 43 Circle, Public Works Department, Almora.
4. Executive Engineer, Provincial Division, Public Works Department, Bageshwar, District – Bageshwar.

……Respondents.

Hon'ble Rajesh Tandon, J

Heard Sri B.D.Upadhyay, learned counsel for the petitioner and learned standing counsel for the respondents.

By means of this writ petition, the petitioner has prayed for the issue of a writ of Mandamus directing the respondents to consider the case of the petitioner for his appointment on compassionate ground in accordance with Government Orders dated 16.03.1996 and 30.10.1996 and appoint him on the post for which he is qualified.

Brief facts as narrated in the writ petition are that father of the petitioner was working on the post of Beldar for the last 26 years (13 years on daily wage basis and with effect from 04.04.1987 to 13.12.2000 as work charge employee). the father of the petitioner died on 13.12.2000 leaving behind his wife and two sons.

After the death of petitioner's father, petitioner applied for compassionate appointment on 27.12.2000. On 05.02.2001, the Superintending Engineer wrote a letter to the Chief Engineer (Hills) PWD, Almora regarding the appointment of the petitioner on compassionate ground on which the Chief Engineer (Hills) approved the case of the petitioner for appointment on the post of Beldar in work charge establishment in accordance with the Government Orders dated 16.03.1996 and 30.10.1996 vide his order dated 03.03.2001

Again on 03.04.2001, petitioner moved a representation before respondent no. 4 for appointment in view of the order dated 03.03.2001 passed by respondent no. 2. However, no action has been taken by respondent no. 4 on the application of the petitioner.

Learned standing counsel has submitted that by Government Order dated 01.01.2000 appointment on compassionate ground on work charge establishment under has been banned. He has further submitted that State of Uttaranchal by Order dated 10.10.2001 has also banned appointment under Dying in Harness Rules.

Learned counsel for the petitioner has submitted that on 31.03.2002 the Principal Chief Engineer, Public Works Department, Uttaranchal passed an order that earlier order regarding appointment, in case of death in harness of a daily wage labour, who has rendered ten years continuous service

in the department his dependent shall be employed on daily wage basis is very well available.

In view of the above, respondents are directed to consider the claim of the petitioner for appointment in accordance with the Government Orders within a period of three months from the date of production of the certified copy of this order.

Subject to the aforesaid direction the writ petition is finally disposed of. No order as to costs.

(Rajesh Tandon, J)

August 28, 2006
SKSharma